

NEW MEXICO CRIMINAL JUSTICE SYSTEM

Lesson Plan Instructor Guide

COURSE TITLE: NEW MEXICO CRIMINAL JUSTICE SYSTEM

BLOCK: 2.4

DPS ACCREDITATION #:

COURSE LEVEL: 100

INSTRUCTIONAL GOAL:

justice

1. This course of instruction will provide the student with an understanding of the different components of the criminal justice system as it relates to the State of New Mexico.
2. This course of instruction will provide the student with an understanding of how the different components of the criminal justice system interact with each other as it relates to the State of New Mexico.

INSTRUCTIONAL OBJECTIVES:

Upon completion of this course, the students will be able to:

1. Identify the three major goals of the criminal justice system in the State of New Mexico.
2. Identify the major components of the justice system and agencies within each component.
3. Identify the difference between the goals of the criminal justice system and the specific goals of the law enforcement agencies.
4. Identify the divisions of the New Mexico court system and their functions and methods for appeal.
5. Identify and define key terms related to the processing of a criminal defendant.
6. Identify the role of the prosecutor as a court officer, and the relationship between the office of the prosecutor and the police.

7. Identify the major elements of court procedure for presenting criminal offenders.
8. Identify the role and function of the State of New Mexico grand jury system.
9. Identify the historical development of state and federal law enforcement agencies and their relevance to local law enforcement.
10. Identify the primary function, jurisdiction, and area of potential mutual assistance for federal, state and local law enforcement agencies.

INSTRUCTIONAL METHODS: CLASSROOM LECTURE
DISCUSSION
ROLE PLAY

HANDOUTS:

COURSE DURATION: 2 HOURS

CURRICULUM REFERENCES: New Mexico Criminal and Traffic Manual, 2001, Lexis Publishing

Ferdico, John N., Criminal Procedure for the Criminal Justice Professional, Seventh Edition, 1999, West/Wadsworth Publishing

Schmallegger, Frank, Crime and Justice in America, 1998, Greenwood Press

Scmallegger, Frank, Criminal Justice Today, Fourth Edition, 1997, Prentice Hall

SAFETY CONSIDERATION: NONE

EQUIPMENT, PERSONNEL, AND SUPPLIES NEEDED:
COMPUTER, AUDIO AND VISUAL AIDS; WHITEBOARD

TARGET AUDIENCE: NEW MEXICO LAW ENFORCEMENT CADETS AND RECRUITS

COURSE PREREQUISITES: NONE

INSTRUCTOR CERT.: GENERAL POLICE

INSTRUCTOR RATIO: 1 / 60

EVALUATION STRATEGY: NEW MEXICO LAW ENFORCEMENT CERTIFICATION EXAM

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Training Authority

REVISION / REVIEW DATE(S): 23 Oct 2013

REVISED / REVIEWED BY: NMLEA INSTR

COURSE OUTLINE:

A. The Three Major Goals of the Criminal Justice System

1. Doing Justice

- a) Offenders are held accountable for their actions
- b) Rights of the accused will be protected
- c) Equity in treatment of like offenses

2. Controlling Crime

- a) The system is designed to control Crime by apprehending, prosecuting, convicting and punishing the offender.
- b) Efforts must be carried out according to the laws and prescribed procedures.

3. Crime Prevention

- a) Deterrence of crime

NOTE: The overall goals of the criminal justice system include but are not limited to protection of life and property, crime prevention, apprehension of the offender, enforcement of the law, and equal justice through due process.

B. The Major Components of the Criminal Justice System and their goals

1. As a law enforcement officer, you will come in contact with other police agencies, courts, and correctional facilities. Having a basic understanding of their goals will better help you to understand the process of justice and the criminal justice system.

a) Law Enforcement Component. Law enforcement is carried out at the local, state and federal levels. They are responsible for:

- 1) Enforcing the law
- 2) Maintaining order
- 3) Preventing crime

b) The Court Systems Component. The court system is comprised of: courts of limited jurisdiction (municipal, magistrate courts), courts of general jurisdiction, courts of original jurisdiction, and appellate courts. The courts are responsible for:

- 1) Determining guilt or innocence of the accused
- 2) Set the appropriate penalty upon convictions
- 3) Uphold the cause of justice, to include due process

c) The Correctional Component. The correctional system is comprised of maximum, medium, and minimum facilities as well as county and juvenile detention centers. Correction centers are responsible for:

- 1) Applying court-ordered punishment
- 2) Maintaining safety and security of correctional personnel and the prisoner community.
- 3) Upholding the constitutional rights of prisoners

C. The State of New Mexico Court System.

1. Within the State of New Mexico there is a multi-tiered court system. It is broken down according to jurisdiction and authority. The different court systems are:

a) Municipal Courts (NMSA 35-14-1 through 35-14-11). This is the lowest level court with regards to jurisdiction and authority. This court:

- 1) Only hear matters involving petty-misdemeanors and misdemeanors.
- 2) Has the ability to imprison and is limited to 6 months maximum and fines cannot exceed \$500.00.

3) May try matters involving alleged violations for the municipal codes or ordinances that occur within the municipality.

b) Magistrate Courts (NMSA 35-1-1 through 35-13-3). Magistrate courts have jurisdiction and authority over petty-misdemeanors, misdemeanors as well as some civil matters. This court:

- 1) May impose a civil monetary compensation not to exceed \$5,000.00.
- 2) Cannot hear a civil matter involving libel or slander.
- 3) May hear misdemeanor cases for which a sentence of imprisonment cannot exceed 354 days is given. Police officers are allowed to prosecute cases in magistrate courts.
- 4) If a defendant loses a hearing in Magistrate Court, they are entitled to a “de novo” or new trial.
- 5) May conduct preliminary hearings in felony cases.
- 6) May hold hearings and trials on alleged violations of state statutes.

c) Metropolitan Court (NMSA 34-8A-7 through 34-8A-14). In addition to the jurisdiction provided by law for magistrate courts, a metropolitan court has jurisdiction within the county boundaries over:

- 1) Offenses and complaints pursuant to county and municipal ordinances within the county where the court is located.
- 2) Civil actions where the claim does not exceed \$10,000.00, exclusive of interest and costs.
- 3) Contested violations of parking or operation of vehicle rules.

d) District Courts. District courts have authority over:

- 1) Criminal matters
- 2) Appeals from lower courts
- 3) Children’s court for matters involving those less than 18 years of age.
- 4) Family court
- 5) Civil matters
- 6) Issues court orders such as Orders of Protection, Order of Commitments, etc.

e) New Mexico Court of Appeals.

- 1) Consists of seven judges serving eight-year terms.
- 2) Has jurisdiction to review on appeal all criminal actions except those where the death sentence or life imprisonment were imposed.

f) New Mexico Supreme Court.

- 1) Consists of five judges who may review all lower court decisions.
- 2) Governs lower courts within the state by their decisions.
- 3) From this level of the New Mexico Court System, the only appeal is to the United States Supreme Court.
- 4) Appeal process is made by:
 - a. Petition for a writ of certiorari.
 - b. If request is granted, a writ is issued from the appellate court for the purpose of obtaining from a lower court the record of its proceedings in a particular case.

D. Courtroom Personnel, Functions and Key Terms.

1. Judge – An elected or appointed public official who presides over a court of law, and how is authorized to hear and sometimes to decide cases, and to conduct trials.
2. Prosecutor – An elected or appointed public official, licensed to practice law, whose job it is to conduct criminal proceedings on behalf of the state or the people against an accused person. The prosecutor is responsible for:
 - a) Presenting the state's case.
 - b) Quasi-legal advisor to police.
 - c) Introduction of evidence.
 - d) Arguments in favor of conviction.
 - e) The burden of proof.
3. Defense Attorney – A licensed trial lawyer, hired or appointed to conduct the legal defense of an individual accused of a crime and to represent him/her before a court of law.
4. Pre-trial and Trial Activities.
 - a) Initial Appearance – Defendant pleads to charges (guilty, not-guilty, no-contest)
 - b) Bail – Judge will issue order for monetary collateral for future appearance.
 - c) Release on own recognizance – Judge may release defendant without monetary collateral for future appearance.

5. Preliminary Hearing Activities.

- a) The charges will be summarized, and defendant will be re-advised of their rights.
- b) Evidence and witnesses will be presented to the court.
- c) The defendant will be allowed to challenge the charges.

6. Jury Selection – Process by which members of a particular jury are chosen.

7. Opening Statement – The initial statements made by the prosecutor and defense attorney to a judge, or to a judge and jury regarding their intentions to prove/dis-prove facts of the case.

8. Testimony – Oral evidence offered by a sworn witness on the witness stand during a criminal trial.

9. Presentation of Evidence – Physical means of proving case.

10. Closing Argument – Oral summary by prosecutor and defense attorney to a judge, or to a judge and jury in a criminal trial.

E. Grand Jury (NMSA 31-6-1 through 31-6-15). The grand jury:

- 1. Convened by the District Court.
- 2. Members of the grand jury serve for three months.
- 3. Consists of twelve jurors.
- 4. All proceedings of the grand jury are heard in secret.
- 5. The attorney for the defendant may be present at the hearing but is not allowed to address the jury.
- 6. Probable cause must be shown to indict.
 - a) Eight votes must be secured for a true bill indictment.
 - b) The verdict must be returned within 24 hours after hearing testimony.
- 7. May subpoena witnesses, records, books or other documents.

F. Law Enforcement in New Mexico.

- 1. Early law enforcement in the New Mexico Territories began with the Texas Rangers.

2. New Mexico Mounted Police – Established in 1905 they patrolled on horseback and lasted until to 1921 when they were abolished through state legislature.
3. New Mexico Motor Patrol – Established in 1933, their primary mission was traffic enforcement on the highways.
4. New Mexico State Police – Established in 1935 by legislature, they replaced the motor patrol and were given full police powers throughout the state. They are still in existence today.
5. New Mexico Department of Public Safety – Was created by legislature to combine several agencies that were at one time separate. They are divided into five divisions, which include:
 - a) Administrative Division – Responsible for the physical and fiscal management of the department.
 - b) State Police – Primary responsibility is to provide safety for motorists on the highways. They have full police powers and are available to aid other law enforcement agencies.
 - c) Training and Recruiting Division – Responsible for training the majority of peace officer in the state. Additionally they are tasked with quality assurance at the satellite academies.
 - d) Special Investigation Division – Investigations and enforcement of the alcohol beverage control statutes.
 - e) Technical Emergency Service Division – Responsible for emergency preparedness, search and rescue, and hazardous materials affecting the state.
6. Attorney General's Office. The Attorney General's Office is the principal law enforcement officer of the state of New Mexico. He represents the state in any civil or criminal action against the state. Along with this, the Attorney General's Office also:
 - a) Is the Chief ministerial officer of the state court system
 - b) Is the Chief administrative officer of the state relating to legal issues
 - c) Is the legal advisor to state agencies
 - d) Provides investigative assistance to local government units.

7. Department of Motor Vehicles. The Department of Motor Vehicles assists law enforcement in the state of New Mexico by:

- a) Collecting of fees and registration of vehicles.
- b) Maintaining registration records.
- c) Collection of fees associated with licensing of drivers.
- d) Administration and maintenance of drivers license testing and files.
- e) Investigation of theft of vehicles, unlawful ownership transfers, altered license plates, and forged or counterfeit registration of drivers
- f) Administration of licensing of auto dealers and dismantlers.

8. Other Law Enforcement Agencies in New Mexico. As well as those listed

- a) County Sheriff Agencies
- b) Municipal/City Police Agencies
- c) Campus Police
- d) Office of Medical Investigations
- e) Game and Fish

- f) Parole and Probation
- g) Bureau of Land Management
- h) Bureau of Indian Affairs
- i) Tribal Police

G. Other Law Enforcement Agencies.

Along with the court and correction agencies, there will be the added chance of working with agencies of the federal government. Currently there are 63 federal agencies that exercise police powers. Some of these are:

- a) Alcohol, Tobacco and Firearms (ATF)
- b) Drug Enforcement Administration (DEA)
- c) Immigration and Naturalization Service (INS)
- d) Military Police
- e) Federal Bureau of Investigation (FBI)
- f) Postal Inspectors
- g) Railroad Police
- h) Secret Service
- i) U.S. Marshals
- j) U.S. Attorneys

NEW MEXICO CRIMINAL
JUSTICE SYSTEM
2 - D

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MAJOR GOALS

DOING JUSTICE

Offenders are held accountable for their actions
Rights of the accused will be protected
Equity in treatment of like offenses

CONTROLLING CRIME

Apprehending, prosecuting, convicting and punishing
offender
According to laws and prescribed procedures

CRIME PREVENTION

Deterrence of crime

MAJOR GOALS

- DOING JUSTICE DOING JUSTICE
 - Offenders are held accountable for their actions
 - Rights of the accused will be protected
 - Equity in treatment of like offenses
- CONTROLLING CRIME
 - Apprehending, prosecuting, convicting and punishing offender
 - According to laws and prescribed procedures
- CRIME PREVENTION
 - Deterrence of crime

MAJOR COMPONENTS**Law Enforcement Component:**

Enforcing the law
Maintaining order
Preventing crimes

Court system Component:

Determining guilt or innocence
Set appropriate penalty
Uphold the cause of justice

Correctional Component:

Application of court ordered punishment
Safety of correctional personnel
Uphold constitutional rights of prisoners

MAJOR COMPONENTS

- Law Enforcement Component
 - Enforcing the law
 - Maintaining order
 - Preventing crimes
- COURT SYSTEM COMPONENT
 - Determining guilt or innocence
 - Set appropriate penalty
 - Uphold the cause of justice
- CORRECTIONAL COMPONENT
 - Application of court ordered punishment
 - Safety of correctional personnel
 - Uphold constitutional rights of prisoners

COURT SYSTEM:

MUNICIPAL COURTS MUNICIPAL COURTS

METROPOLITAN COURTS

DISTRICT COURTS

COURT OF APPEALS

SUPREME COURT

COURT SYSTEM

- MUNICIPAL COURTS MUNICIPAL COURTS
- METROPOLITAN COURTS
- DISTRICT COURTS
- COURT OF APPEALS
- SUPREME COURT

**COURTROOM
PERSONNEL**

- JUDGE
- PROSECUTOR
- DEFENSE ATTORNEY

COURTROOM PERSONNEL

JUDGE

PROSECUTOR

DEFENSE ATTORNEY

**PRE-TRIAL/TRIAL
ACTIVITIES**

- Initial Appearance
- Bail
- Release on own recognizance
- Preliminary Hearing
- Jury selection
- Opening Statements
- Testimony
- Presentation of evidence
- Closing argument

PRE-TRIAL & TRIAL ACTIVITIES

Initial appearance

Bail

Release on own recognizance

Preliminary Hearing

Jury selection

Opening statements

Testimony

Presentation of evidence

Closing arguments

GRAND JURY HEARING

- Convened by District Court
- Grand jury member for three months
- Twelve jurors
- Heard in secret
- Defense attorney allowed as observer
- Probable cause to indict
 - Eight votes for true bill
 - 24 hour deliberation

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**NEW MEXICO LAW
ENFORCEMENT**

- TEXAS RANGERS
- NEW MEXICO MOUNTED POLICE
- NEW MEXICO MOTOR PATROL
- NEW MEXICO STATE POLICE
- DEPARTMENT OF PUBLIC SAFETY
- ATTORNEY GENERAL'S OFFICE
- DEPARTMENT OF MOTOR VEHICLES
- OTHER AGENCIES

NEW MEXICO LAW ENFORCEMENT

Texas Rangers
New Mexico mounted police
New Mexico motor patrol
New Mexico state police
Department of Public Safety
Attorney General's Office
Department of Motor Vehicles
Other agencies

OTHER AGENCIES

- ATF
- DEA
- INS
- MILITARY POLICE
- FBI
- POSTAL INSPECTOR
- RAILROAD POLICE
- SECRET SERVICE
- U.S. MARSHALS
- U.S. ATTORNEYS

OTHER AGENCIES

ATF
DEA
INS
MILITARY POLICE
FBI
POSTAL INSPECTOR
RAILROAD POLICE
SECRET SERVICE
US MARSHALS
US ATTORNEYS

COURSE LEVEL DEFINITIONS

- 100 LEVEL: BASIC LEVEL - FOUNDATIONAL BLOCK OF INSTRUCTION. PRE-REQUISITE TO ALL HIGHER LEVEL COURSES.
- 200 LEVEL: INTRODUCTORY LEVEL. REQUIRES COMPLETION OF PRE-REQUISITE COURSE(S). [ONE OR MORE 100 LEVEL COURSE(S)]
- 300 LEVEL: INCUMBENT LEVEL. REQUIRES COMPLETION OF PRE-REQUISITE COURSE(S). [ONE OR MORE 200 LEVEL COURSE(S)]
- 400 LEVEL: ADVANCED LEVEL. REQUIRES COMPLETION OF BASIC ACADEMY AND POSSIBLY PRE-REQUISITE COURSE(S)

CLASSIFICATION OF LEARNING OBJECTIVE

- (C): COGNITIVE BASED LEARNING OBJECTIVE
- (P): PSYCHOMOTOR BASED LEARNING OBJECTIVE
- (C/P): BOTH COGNITIVE AND PSYCHOMOTOR BASED LEARNING OBJECTIVE
- (V): VALUE BASED LEARNING OBJECTIVE
(Emphasizing Sacred Trust the community has placed in the hands of the law enforcement officer, addresses related professional conduct and respect for rights of citizens. All lesson plans must contain at least one value based learning objective.)

COURSE AUDIT

PRIMARY INSTRUCTOR:

SECONDARY INSTRUCTOR:

SUPPORT STAFF (i.e.: Scenario Managers, Role Players, etc):

DATE(S)/ TIME(S) OF INSTRUCTION:

LOCATION OF INSTRUCTION:

RECOMMENDED CURRICULUM CHANGES: Identify inaccurate information, outdated information, new information to be added to update material, etc. (Use additional pages if necessary)

COURSE AUDIT (Continued)

ADDITIONAL INSTRUCTOR COMMENTS: (If any portion of the course content was not presented, indicate the specific content here)

If course content other than the NMDPS TRD approved Basic or PST academy curriculum is taught, the alternative curriculum must be submitted to the Law Enforcement Academy Deputy Director's office and approved prior to delivery of the alternative instructional materials.

☐ Alternative curriculum was taught.

Accreditation number of alternative curriculum:

| | SIGNATURE | DATE |
|--------------------------------------|----------------------|----------------------|
| Primary Instructor | <input type="text"/> | <input type="text"/> |
| Reviewed by Program Coordinator | <input type="text"/> | <input type="text"/> |
| Reviewed by Bureau Chief | <input type="text"/> | <input type="text"/> |
| Reviewed by LEA Director or Designee | <input type="text"/> | <input type="text"/> |